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Atty. Dkt. No. 056859-0137

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Indra SANDAL et al.

Title: TRANSGENIC TEA THROUGH BIOLISTIC USING LEAF EXPLANTS

Appl. No.: 10/051,383

Filing Date: 1/22/2002

Examiner: Georgia L. Helmer

Art Unit: 1638

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 423499055 US (Express Mail Label Number)	March 3, 2005 (Date of Deposit)
<u>Charles J. Schieck</u> (Printed Name)	
<u>Charles J. Schieck</u> (Signature)	

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action dated September 3, 2004, finally rejecting Claims 26-54.

- [] Applicant claims small entity status.
- [X] Applicants hereby petition for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:
- [X] Notice of Appeal Fee
- [X] To be paid as detailed below
- [] Not required (Fee paid in prior appeal)

03/09/2005 YPOLITE1 00000098 10051383
01 FC:1401 500.00 OP
02 FC:1253 1020.00 OP

The required fees are calculated below:

[X]	Notice of Appeal Fee	\$500.00
[X]	Extension for response filed within the third month:	\$1,020.00
[]	Extension:	\$0.00
	FEE TOTAL:	\$1,520.00
[]	Small Entity Fees Apply (subtract ½ of above):	\$0.00
	TOTAL FEE:	\$1,520.00

[X] A check in the amount of \$1,520.00 to cover the above fees is enclosed.

[X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date March 3, 2005

By R.C. Peet #55,459

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